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SUBJECT: Ireland/Terrorism: Bill Passes in Lower House

1. Summary: On December 14, 2004, the Criminal Justice (Terrorism Offences) Bill 2002, was passed by Dail Eireann (Lower House). The Seanad Eireann (Senate) is expected to approve the bill in February 2005, after which it can be enacted into Irish Law. This legislation will significantly strengthen Irish ability to prosecute those suspected of supporting terrorism. Current legislation allows GOI authorities to pursue and prosecute suspects of terrorism, notably terrorism financing, only if they also have committed criminal offenses in Ireland or have been designated by the UN or EU. The new legislation is likely to pass in the Senate and be signed into law by the Irish president by mid-February, reducing the potential for supporters of terrorism to use Ireland as a legal safe haven. End Summary.

2. This Bill amended the existing Offences against the State Acts 1939 - 1998 to enable Ireland to meet its UN and EU commitments. In presenting the Bill, Minister for Justice, Michael McDowell stated that the Bill would bring Ireland in line with United Nations Conventions and European Union Framework decisions on combating terrorism. Enactment of the terrorism bill will set the legal framework for ratifying the four UN conventions on terrorism still pending. Government officials anticipate the completion of the four Conventions by the end of 2005.

3. Key features of the Bill include:

- specified offences to become terrorist offences when committed with intent to seriously intimidate a population, unduly compel a Government or international organization to perform or abstain from performing an act, or seriously destabilize or destroy the fundamental political, constitutional, economic or social structures of a State or an international organization.

- terrorist groups who commit terrorist offences in or outside the State to be unlawful organizations for the purposes of the Offences Against the State Acts 1939 - 1998 and the relevant provisions of those Acts, including the offences of membership and directing an unlawful organization, to have application to such groups;

- the creation of new offences of hostage taking, terrorist bombing, offences against internationally protected persons, and financing terrorism with provision for extra-territorial jurisdiction in accordance with the relevant UN Conventions;

- provision to enable funds which are being used, or which may be intended to be used, for the purpose of committing terrorist offences, including financing terrorism, to be frozen and ultimately made subject to a disposal order in favor of the State by way of court orders;

4. Sinn Fein opposed the Bill, their Justice spokesperson, Angus O'Snodaigh, calling it a 'fundamentally flawed Bill' and 'a Human Rights disaster waiting to happen'. He indicated that the Human Rights Commission and the Irish Council for Civil Liberties had both expressed concerns over the Bill and felt that this type of 'emergency' legislation should be reviewed every 1-3 years. In response the Minister for Justice stated that it was 'perfectly feasible' that terrorists could make plans in Ireland in relation to an act to be carried out elsewhere and the State should have adequate legislation to counter this.

KENNY